

**STATE TRANSPORTATION BOARD
SPECIAL BOARD MEETING MINUTES**

10:00 a.m., Tuesday, May 4, 2010

**Human Resource Development Center (HRDC) Grand Canyon Room
1130 N. 22nd Ave.
Phoenix, AZ 85009**

Pledge

[The Pledge of Allegiance was recited, led by Felipe Zubia.]

Roll Call

In attendance: Bob Montoya, Bill Feldmeier, Felipe Zubia, Kelly Anderson, Steve Christy (telephonic). Victor Flores and Bobbie Lundstrom were absent.

Call to the Audience

[No response]

ITEM 1: Consent Agenda – Floyd Roehrich

Mr. Roehrich asked that the Board pull Item 1a off the Consent Agenda under Item 1 and move it to Item 2, when he will discuss it. He then asked the Board to approve Item 1b through Item 1h and pull Item 1a.

Motion by Mr. Zubia, seconded by Mr. Feldmeier, to pull Item 1a from the Consent Agenda, and approve Items 1b-1h. In a voice vote, the motion passed unanimously.

ITEM 2: Construction Contracts – Floyd Roehrich

Mr. Roehrich then addressed Item 1a, asking the Board to defer this project to a future Board meeting. He explained they are in the middle of an administrative action related to a review of the contractor that needs to be completed before moving forward with the award.

Motion by Mr. Anderson, seconded by Mr. Feldmeier, to defer action on Item 1a of the Consent Agenda to a future Board meeting. In a voice vote, the motion passed unanimously.

Mr. Roehrich then asked for approval of Items 2a, 2b and 2c. These are all local government ARRA projects, varying in reasons why they are on a separate Board award. They are outside the 10% over, 15% under, but all three are competent bids. The actions related to the bids are reflective either of current bid prices or the specialty items of these types of work. They are smaller work items, most with pavement work as well as specialty work, including electronics. He asked the Board to award contracts on 2a, 2b and 2c.

Motion by Mr. Zubia, seconded by Mr. Feldmeier, to award Items 2a, 2b and 2c. In a voice vote, the motion passed unanimously.

ITEM 3: Right of Way – Tom Flynn

Mr. Flynn informed the Board that he is with the Right-of-Way Section and they are recommending that the Board pass the Resolution on US93 on advance acquisition. They need this to acquire ranch property that borders the split.

Mr. Ron Aschenbach commented that the Board has the authority to acquire the Right-of-Way for future uses. They have an ARRA II project that is coming up and there is an interim project planned. If they acquire the right-of-way for the interim project and also the future project, they will save the State quite a bit of money, with respect to being required to provide access back to the property for the owner. ARRA stipulates that the Board has to make the conscious decision to acquire not only for present needs but also for future needs.

Motion by Mr. Anderson, seconded by Mr. Zubia, to approve Resolution 2010-05-A-044. In a voice vote, the motion passed unanimously.

Mr. Aschenbach commented that the interim project is two lanes, but it will go to four lanes, divided. The future right-of-way will actually be the right-of-way required for an interchange. Mr. Zubia inquired on the length of the acquisition. Mr. Flynn replied that there is a frontage road on the west side of the interchange that extends back about 1600 feet. The interchange is in Sections 15 and 22, and the property is owned by one owner. Mr. Zubia asked if the right-of-way acquisitions are in compliance with federal guidelines so that ADOT can receive federal funding in the future. Mr. Flynn replied that is why they have to go back 1600 feet to control access.


Mr. Feldmeier inquired if it was a "friendly condemnation." Mr. Flynn said it probably is not, and the land is currently being used for ranching. It includes his ranch headquarters and house. They will try and relocate the rancher on the remaining property and are still talking with him.


Mr. Zubia asked if the acquisition would be done immediately, or if it would be done in correlation with ARRA II. Mr. Roehrich reminded the Board that ARRA II is funding that has not yet been designated and they are moving forward with those projects with the intention that if ARRA II does not occur, then they would use regular federal aid for those projects. To clarify, he said the project is designated ARRA II at this point, but is being developed as a project that could use regular federal aid if needed.

Mr. Zubia asked if this is affected by the current pending State legislation regarding acquisition of right-of-ways and condemnations. Mr. Roehrich thinks this is a situation where the ARRA II projects have to be shovel-ready when they go through the process. The right-of-way would have to be available to meet that schedule by the end of the May or June. If they cannot acquire the right-of-way via purchase with the landowner, it would require a condemnation action to gain possession, which can take 30-45 days. Mr. Zubia commented that he supports the project, but just wants to be aware of the ramifications.

Adjournment

Motion by Mr. Feldmeier, seconded by Mr. Anderson, to adjourn the meeting at 10:15 a.m. In a voice vote, the motion passed unanimously.


John Halikowski, Director
Arizona Department of Transportation


Bob Montoya, Chairman
State Transportation Board